

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JEANETTE ISBY, as)	
Special Administrator of the Estate of)	Case No.
STEPHEN ISBY,)	
deceased,)	Judge
Plaintiffs,)	
)	
v.)	Magistrate Judge
)	
P.O. PETER KELLY #13712,)	JURY DEMAND
Individually, and THE CITY OF)	
CHICAGO, a municipal corporation,)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, JEANETTE ISBY, as Special Administrator of the Estate of STEPHEN ISBY, deceased, by and through their attorneys, Gregory E. Kulis & Associates, Ltd., and complaining against the Defendants, P.O. PETER KELLY #13712, and the CITY OF CHICAGO individually, as follows:

COUNT I – EXCESSIVE FORCE

1) This action is brought pursuant the laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois to redress deprivations of the civil rights of the Plaintiff, JEANETTE ISBY, as Special Administrator of the Estate of STEPHEN ISBY, deceased and accomplished by acts and/or of the Defendants, P.O. PETER KELLY #13712, individually, and the CITY OF CHICAGO, committed under color of law.

2) Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental jurisdiction of the State of Illinois.

- 3) The Plaintiff, JEANETTE ISBY, sister of STEPHEN ISBY and as Special Administrator of the Estate of STEPHEN ISBY, deceased, was at all relevant times, a resident of Detroit, Michigan.
- 4) The Defendant, P.O. PETER KELLY #13712, was at all relevant times, a duly appointed law enforcement officer employed by the CITY OF CHICAGO and acting within the scope of his employment and under color of law.
- 5) On or about July 28, 2016, the decedent, STEPHEN ISBY, was in the vicinity of the 1600 block of North Marshfield in Chicago, Illinois.
- 6) The Defendant, P.O. PETER KELLY #13712 approached the Plaintiff.
- 7) The Defendant P.O. PETER KELLY #13712 confronted the decedent, Stephen Isby, and shot him.
- 8) Despite said action, the Defendant, P.O. PETER KELLY #13712, shot the decedent who ultimately succumbed to his injuries and died.
- 9) The actions of the Defendant P.O. PETER KELLY #13712, in shooting the decedent were without just cause.
- 10) Said use of deadly force was unprovoked and unwarranted.
- 11) Said use of force was excessive.
- 12) The actions of the Defendant, P.O. PETER KELLY #13712 were intentional, willful, and wanton.
- 13) As a result of the actions of the Defendant, P.O. PETER KELLY #13712, the decedent, Stephen Isby, was killed.
- 14) Said actions of the Defendant, P.O. PETER KELLY #13712, were in violation of the decedent, Stephen Isby's , Fourth and Fourteenth Amendment rights as protected by 42 U.S.C. §1983.

15) As a result of the actions of the Defendant, P.O. PETER KELLY #13712, the decedent, Stephen Isby, and the Plaintiff's estate experienced pain and suffering, loss of life and loss of enjoyment of life.

WHEREFORE, the Plaintiffs, JEANETTE ISBY, as Special Administrator of the Estate of STEPHEN ISBY, deceased, prays for judgment against the Defendant, P.O. PETER KELLY #13712, for fair and reasonable compensatory damages in excess of One Million (\$1,000,000.00) Dollars, reasonable punitive damages, plus attorneys' fees and costs.

COUNT II- INDEMNIFICATION

1-15) The Plaintiffs, JEANETTE ISBY, as Special Administrator of the Estate of STEPHEN ISBY, deceased, hereby realleges and incorporates their allegations of paragraphs 1-15 of Count I as their respective allegations of paragraphs 1-15 of Count II though fully set forth herein.

16) Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

17) Defendants, P.O. PETER KELLY #13712 is an employee of the CITY OF CHICAGO Police Department who acted within the scope of his employment in committing the misconduct described herein.

WHEREFORE, should the Defendant, P.O. PETER KELLY #13712, be found liable for the acts alleged above, the CITY OF CHICAGO would be liable to pay the Plaintiffs, JEANETTE ISBY, as Special Administrator of the Estate of STEPHEN ISBY, deceased any judgment obtained against said Defendants.

JURY DEMAND

The Plaintiff, JEANETE ISBY, as Special Administrator of the Estate of STEPHEN ISBY, deceased, hereby requests a trial by jury.

By: /s/ Gregory E. Kulis
Gregory E. Kulis & Associates, Ltd.

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